REMARKS

This application has been reviewed in light of the Office Action dated June 5, 2003. Claims 1, 2, 4-6, 8-10, 12, 13, 15-17, 19-21, 34, 42, and 45-48 are presented for examination, of which claims 1, 9, 12, 20, 34, 42, 45, and 47 are in independent form. Claims 3, 7, 11, 14, 18, 22, 23, and 31 have been canceled, without prejudice or disclaimer of subject matter, and will not be mentioned further. Claims 1, 2, 4-6, 8-10, 12, 13, 15-17, 19-21, 34, and 42 have been amended to define more clearly what Applicant regards as his invention. Claims 45-48 have been added to provide Applicant with a more complete scope of protection. Favorable reconsideration is requested.

A Claim To Priority and a certified copy of the priority document for this application were filed on May 2, 2000, as evidenced by a returned receipt postcard bearing the stamp of the Patent and Trademark Office, a copy of which is attached hereto. Applicant, again, respectfully requests acknowledgment of the claim for foreign priority and the receipt of the certified copy.

Claims 1, 2, 5, 9, 10, 12, 13, 16, 20, 31, 34, and 42 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

These claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in paragraph 2 of the Office Action. Specifically, these claims have been amended to remove reference to the terms "predetermined parameter" and "value". It is believed that the rejection under Section 112, second paragraph, has been obviated.

Claims 4, 15, 26, and 37 were rejected under 35 U.S.C. § 112, first paragraph, for alleged failure to disclose the best mode contemplated by the inventor, and claims 1, 2, 9, 10, 20, 21, 32, 33, and 42-44 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.[1] The rejections of these claims were addressed in the Amendment filed on March 3, 2003, in which the phrases at issue were deleted from the respective claims. Accordingly, Applicants respectfully direct the Examiner to the Amendment filed on March 3, 2003.

Claims 1, 2, 4-6, 12, 13, 15-17, and 34 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,049,825 (*Yamamoto*), and claims8-10, 19-21, and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yamamoto*, in view of U.S. Patent No. 6,216,171 (*Isono et al.*).

As shown above, Applicant has amended independent claims 1, 9, 12, 20, 34, and 42, in terms that more clearly define the present invention. Applicant submits that these amended independent claims and new independent claims 45 and 47, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The present invention is directed to a network device control apparatus connected to a network. In conventional systems, as explained in detail in the

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1/In a telephone conversation between Applicant's attorney and the Examiner, the Examiner confirmed that the purported rejection of claims 4, 15, 26, and 37 under 35 U.S.C. § 112, first paragraph, and claims 1, 2, 9, 10, 20, 21, 32, 33, and 42-44 under 35 U.S.C. § 112, second paragraph, was in error and can be ignored since these rejections were addressed in the Amendment filed March 3, 2003.

specification, there are various methods of setting an address of a network apparatus. One such method is a ping program which is extremely general and has the drawback of possibly setting an erroneous address. The present invention addresses the problems discussed in the specification by setting an address using a general program, avoiding an erroneous setup of the address.

The aspect of the present invention set forth in claim 1 is a network apparatus that includes a receiving unit adapted to receive data from a network by using a predetermined protocol, a detecting unit adapted to detect a special attribute in a packet header of the data received by the receiving unit, the packet header being provided for the predetermined protocol, and a setting unit adapted to set an address of the network apparatus in accordance with a destination address of the received data in a case where the special attribute is detected by the detecting unit.

One important feature of claim 1 is that the network apparatus sets its address in accordance with a destination address of received data in a case where the special attribute is detected in a packet header of the received data. Support for this feature may be found at least in Figure 10, steps S1003 and S1004, and the accompanying description in the specification.

Yamamoto relates to switching between duplicated network interface adapters attached to a host computer to provide fault-resilient network communication functions. When receiving an ARP (Address Resolution Protocol) request, the network adapter recognizes that the MAC (Media Access Control) address of the request sender (host) has been changed and registers the new address in a network table, and sends an ARP response message back (column 8, lines 25-31). The *Yamamoto* system registers the

new address of the request sender in the network table, but does not set the MAC address of the network adapter in accordance with the MAC address of the request sender. That is, the *Yamamoto* system is not designed such that a host computer sends an ARP request to the network interface adapter and that the adapter sets its own address in accordance with the ARP request. As such, nothing has been found in *Yamamoto* that would teach or suggest the network apparatus setting its address in accordance with a destination address of received data in a case where the special attribute is detected in a packet header of the received data, as recited in claim 1.

Accordingly, Applicant submits that claim 1 is clearly allowable over *Yamamoto*.

Independent claims 12 and 34 are method and network device control program claims, respectively, corresponding to apparatus claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with claim 1.

The aspect of the present invention set forth in claim 9 is a network apparatus. The apparatus includes a receiving unit adapted for receiving an ICMP echo message, a data length detecting unit adapted for detecting a data length in a packet header of the ICMP echo message received by the receiving unit, and a setting unit adapted for setting an address of the network apparatus in accordance with a destination address of the received ICMP echo message if the data length has a specific value and a destination MAC address of the received ICMP echo message and a MAC address of the apparatus are the same.

One important feature of claim 9 is the network apparatus setting its address in accordance with a destination address of the received ICMP echo message if the ICMP

echo message has data length of a specific value and if a destination MAC address of the received ICMP echo message and a MAC address of the apparatus are the same. Support for this feature may be found at least in Figure 10, steps S1003 and S1004, and the accompanying description in the specification.

As discussed above, in connection with claim 1, the *Yamamoto* system is not designed such that the host computer sends an ARP request to the network interface adapter and the adapter set its own address in accordance with the ARP request. As such, nothing has been found in *Yamamoto* that would teach or suggest the network apparatus setting its address in accordance with a destination address of the received ICMP echo message if the ICMP echo message has data length of a specific value and if a destination MAC address of the received ICMP echo message and a MAC address of the apparatus are the same, as recited in claim 9.

Accordingly, Applicant submits that claim 9 is clearly allowable over *Yamamoto*, taken alone.

Isono et al. relates to an information-supply and control apparatus and method which enables information supply by providing information with priority. *Isono et al.* is cited for allegedly teaching detecting a data length of the ICMP echo message, that the attribute value is a TTL value of the received data, and setting a destination IP address of the received message to an IP address of the apparatus. However, nothing has been found in *Isono et al.* that would teach or suggest the network apparatus setting its address in accordance with a destination address of the received ICMP echo message if the ICMP echo message has data length of a specific value and if a destination MAC address of the

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received ICMP echo message and a MAC address of the apparatus are the same, as recited in claim 9.

Therefore, even if *Yamamoto* and *Isono et al.* were to be combined in the manner proposed in the Office Action, assuming such combination would even be permissible, the resulting combination also would fail to teach or suggest at least those features of claim 9.

Accordingly, Applicant submits that claim 9 is patentable over *Yamamoto* and *Isono et al.*, whether considered separately or in any proper combination.

Independent claims 20 and 42 are method and network device control program claims, respectively, corresponding to apparatus claim 9, and are believed to be patentable for at least the same reasons as discussed above in connection with claim 9.

The aspect of the present invention set forth in new independent claim 45 is a network apparatus that includes a receiving unit adapted to receive data from a network by using a predetermined protocol, a detecting unit adapted to detect a special attribute in a packet header of the data received by the receiving unit, the packet header being provided for the predetermined protocol, and a setting unit adapted to set a factory-based value in a case where the special attribute is detected by the detecting unit.

One important feature of claim 45 is the network apparatus setting a factory-based value in a case where the special attribute is detected in a packet header of received data. Support for this feature may be found at least in Figure 10, steps S1002 and S1005, and the accompanying description in the specification.

For reasons discussed above, in connection with claim 1, the *Yamamoto* system is not designed such that the host computer sends an ARP request to the network

interface adapter and the adapter set a factory-based address in accordance with the ARP request. As such, nothing has been found in *Yamamoto* that would teach or suggest the network apparatus setting a factory-based value in a case where the special attribute is detected in a packet header of received data, as recited in claim 45.

Isono et al. is not seen to remedy the deficiencies of *Yamamoto.*

Accordingly, Applicant submits that claim 45 is in condition for allowance.

The aspect of the present invention set forth in new independent claim 47 is a network apparatus that includes a receiving unit adapted to receive data from a network by using a predetermined protocol, and a setting unit adapted to set a destination logic address of the received data as a logic address of the network address in a case where a destination physical address of the received data is equal to a physical address of the network apparatus and an attribute in a packet header of the received data has a specific value, the packet header being provided for the predetermined protocol.

One important feature of claim 47 is the network apparatus setting its logic address using a destination logic address of the received data in a case where a destination physical address of the received data is equal to a physical address of the network apparatus and if an attribute in a packet header of the received data has a specific value, the packet header being provided for the predetermined protocol. Support for this feature may be found at least in Figure 10, steps S1003 and S1004, and the accompanying description in the specification.

For reasons discussed above, in connection with claim 1, the *Yamamoto* system is not designed such that the host computer sends an ARP request to the network interface adapter and the adapter sets its own address in accordance with the ARP request.

As such, nothing has been found in *Yamamoto* that would teach or suggest the network apparatus setting its logic address using a destination logic address of the received data in a case where a destination physical address of the received data is equal to a physical address of the network apparatus and if an attribute in a packet header of the received data has a specific value, the packet header being provided for the predetermined protocol, as recited in claim 47.

Isono et al. is not seen to remedy the deficiencies of *Yamamoto*.

Accordingly, Applicant submits that claim 47 is in condition for allowance.

The other rejected claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

Leonard P. Diana
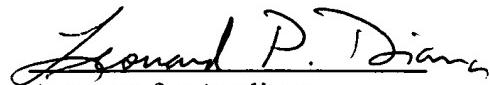
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